

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIE A. CLEMONS; individually,

Plaintiff,

Case No. 2:19-cv-0248-RFB-BNW

VS.

UNITED STATES OF AMERICA,

Defendant.

PRETRIAL ORDER

After pretrial proceedings in this case,

IT IS SO ORDERED:

I

This is a tort action brought under the Federal Tort Claims Act (FTCA), wherein Plaintiff Julie Clemons alleges she sustained personal injuries arising out of a motor vehicle accident occurring on December 11, 2015.

II.

The Court's subject matter jurisdiction arises under the FTCA, codified at 28 U.S.C. § 1334 *et. seq.* Because this is an FTCA case, the Court will be acting as the trier-of-fact. There will be no jury trial in this case. Venue is proper pursuant to 28 U.S.C. § 1331(b)(2).

III.

The following facts are admitted by the parties and require no proof:

1. Plaintiff, Defendant's employee Marcus G. Brandt, and a third driver, Juan Acosta, were involved in a motor vehicle accident on or about December 11, 2015.
2. At the time of the accident, Mr. Brandt was acting in the course and scope of his

duties as an employee of the United States.

IV.

The following facts, though not admitted, will not be contested at trial by evidence to the contrary: None.

V.

The following are the issues of fact to be tried and determined at trial from Plaintiff's perspective:

1. Whether Defendant and its employee owed Plaintiff a duty of care.
 2. Whether Defendant and its employee breached that duty of care.
 3. Whether Defendant's breach of the duty of care was the actual and proximate cause of Plaintiff's damages.
 4. The amount of damages sustained by Plaintiff for which she is entitled to compensation.

The following are the issues of fact to be tried and determined at trial from Defendant's perspective:

1. The duty of care owed and to whom.
 2. The actions or inactions taken to constitute a breach of duty of care.
 3. The mechanism of the cause of the accident.
 4. Whether, and to what extent, Plaintiff suffered injury and/or sustained damages from the accident.

1 7. Whether Plaintiff contributed to her own alleged damages.

2 8. Whether, and to what extent, Plaintiff incurred damages as a proximate cause of
3 the negligence of others.

4 9. The type and extent of damages claimed for (1) past medical expenses; (2) future
5 medical expenses; (3) pain and suffering; and (4) lost wages and future earnings.

6 10. Whether Plaintiff's claim for medical damages were reasonably and necessarily
7 incurred and caused by the accident.

8 11. Plaintiff's efforts to mitigate her alleged damages.

9
10 **VI.**

11 The following are the issues of law to be tried and determined at trial:

12 1. **Duty of Care.** Generally, everyone has a duty to exercise reasonable care when
13 their conduct creates a risk of physical harm to others. Nev. J.I. 4.3. Negligence is the failure to
14 exercise that degree of care which an ordinarily careful and prudent person would exercise
15 under the same or similar circumstances. *Id.* Ordinary care is that care which persons of
16 ordinary prudence exercise in the management of their own affairs in order to avoid injury to
17 themselves or to others. *Id.* The issues as to duty are:
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19 a. Whether the parties owed a duty of care.

20 2. **Proximate Cause.** A proximate cause of injury, damage, loss, or harm is a cause
21 which, in natural and continuous sequence, produces the injury, damage, loss, or harm, and
22 without which the injury, damage, loss, or harm, would not have occurred. Nev. J.I. 4.4. The
23 particular issues as to causation are:
24

25 a. Whether a breach in the duty of care proximately caused the accident.

1 **3. Comparative Negligence.** A plaintiff may not recover damages if her
2 comparative negligence has contributed more to her injury than the negligence of the defendant.
3 Nev. J.I. 4.8. However, if the plaintiff is negligent, the plaintiff may still recover a reduced sum,
4 so long as her comparative negligence was not greater than the negligence of the defendant. *Id.*
5 Plaintiff does not believe there are any facts to support a finding of comparative negligence in
6 this case. However, from Defendant's perspective, the particular issues as to comparative fault
7 are as follows:

- 8 a. Whether Plaintiff was negligent (and if so, by what percentage).
9 b. Whether Plaintiff's negligence was a substantial factor in causing her own harm.
10 c. Does Plaintiff's percentage of negligence exceed the negligence of Brandt, if
11 any, barring recovery pursuant to NRS 41.141.(1).
12 d. The percentage of negligence attributable to the Plaintiff shall reduce the amount
13 of such recovery by the proportionate amount of such negligence and the
14 reduction will be made by the Court.

15 **4. Negligence of non-parties.**

- 16 a. Whether non-party Acosta was negligent (and if so, by what percentage)
17 in causing the accident.

18 **5. Damages.** In determining losses, if any, suffered by the Plaintiff as a proximate
19 (legal) cause of the accident, the Court must take into consideration the nature, extent and
20 duration from the evidence and decide upon a sum to reasonably and fairly compensate: (a)
21 reasonable and necessary medical expenses incurred in the past; (b) reasonable and necessary
22 medical expenses reasonably certain to incur in the future as a result of the accident; (c) lost
23 earnings that were incurred and future earnings that are reasonably certain to have been lost in
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the future; (d) pain and suffering; (e) loss of household services. *See* Nev. J.I. 5.1. Additional issues for the Court's determination are:

a. Whether Plaintiff's injuries, if any, were caused by pre-existing medical conditions that existed prior to the accident. [A person who has a condition or disability at the time of the injury is not entitled to recover damages therefor. See Nev. J.I. 5.3. But, she may be entitled to recover damages for any aggravation of such pre-existing condition or disability resulting from the injury. *Id.* This is true even if the person's condition or disability made her more susceptible to the possibility of ill effects than a normally healthy person would have been, and even if a normally healthy person probably would not have suffered any substantial injury. *Id.*]

14 b. Whether Plaintiff mitigated her alleged damages.

VII.

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

Stipulated Exhibits Agreed To By The Parties

None.

21 (b) As to the following exhibits, the party against whom the same will be offered objects
to their admission on the grounds stated:

Plaintiff's Exhibits & Defendant's Objections

Plaintiff's Exhibits	Defendant's Objections
Traffic Accident Report PR JC 01-09	Unfair prejudice, hearsay, lack of foundation, authentication. Fed. R. Evid. 403, 701–702, 801, 901.
Advanced Orthopedics and Sports Medicine medical records AOSM JC 01-62	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.

1	Bellin Heath medical records BH JC 01-105	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
2	Body Wise, Inc. medical records BW JC 01	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
3	CD Laboratories records CL JC 01-05	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
4	CVS Pharmacy records CVS JC 01-12	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
5	Gobinder Chopra Ltd. medical records GC JC 1-41	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
6	DBA Anesthesia Associates medical records DBA JC 1	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
7	Don Nobis medical records DNPPT JC 01-121	Authentication, relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401, 801, 901. Because these records were not timely disclosed during discovery, they are also subject to exclusion under Fed. R. Civ. P. 37(c).
8	Express Scripts records ES JC 1-11	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
9	Holy Family Memorial records HFM JC 1-75	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
10	Las Vegas Neurology records LVNC 1-89	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
11	Las Vegas Neurosurgery records LVNOR JC 1-28	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
12	Las Vegas Radiology records LVRAD 1-4	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
13	Dr. Mortillaro records LFM JC 1-77	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
14	Next Step Medical records NSM JC 1-5	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
15	Pain Institute of Nevada records PIN JC 1-63	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
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1	Parkway Surgery Center records PSC JC 1-44	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
2	Primary Care Consultants records PCC JC 1-11	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
3	Pueblo Medical Imaging records PMI JC 1-0	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
4	Quick Care records QCLV JC 1-6	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
5	Select PT records SPT JC 1-157	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
6	SimonMed records SMI JC 1-7	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
7	Steinberg Diagnostics records SDMI JC 1-2	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
8	UW Hospital records UW JC 1-33	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
9	Valley View Surgery Center records VVS JC 01-80	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
10	Pain Institute of Nevada records PIN JC 64-148	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
11	Desert Radiology records DR JC 1-4	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
12	Photos of Plaintiff Photo JC 01-4	Relevance, unfair prejudice, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
13	Southern Hills Hospital records SH JC 1-387	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
14	Driving History Report DH JC 1	Relevance, hearsay, unfair prejudice, improper character evidence, authentication, lack of foundation. Fed. R. Evid. 401–404, 801, 901.
15	Photos of Nissan Altima Photo JC 05-9	Relevance, unfair prejudice, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
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1	Volt Management records VM JC 01-12	Hearsay, authentication, lack of foundation. Fed. R. Evid. 801, 901.
2	OptumCare Ortho OCOS JC 1-73	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
3	Aurora Bay Medical Center ABMC JC 1-194	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
4	LabCorp LC JC 01-13	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
5	Valley View Home Health VVHC JC 1-88	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
6	Valley View Surgery Center VVS JC 81-110	Relevance, unfair prejudice, hearsay, lack of foundation. Fed. R. Evid. 401–403, 801.
7	Las Vegas Neurosurgery records LVNOR JC 29-130	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
8	Las Vegas Radiology LVRAD JC 05-16	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
9	Steinberg Diagnostic SDMI JC 03-09	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
10	CD Laboratories CL JC 06-31	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
11	Mountain View Hospital MVH JC 01-24	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
12	Desert Radiology DR JC 05-21	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
13	Radiology Chartered RC JC 01	Relevance, unfair prejudice, hearsay, authentication, lack of foundation. Fed. R. Evid. 401–403, 801, 901.
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1 Defendant Exhibits & Plaintiff's Objections

2 None.

3 (c) Electronic evidence: At this time, neither party anticipates presenting any electronic
4 evidence. Should that change, the Court will be notified immediately.

5 (d) Depositions:

6 (1) Plaintiff will offer the following depositions: None.

7 (2) Defendant will offer the following depositions: Defendant does not intend to
8 offer page and line designations at this time for any deposition transcripts. In the
9 event Defendant learns that a witness is unavailable to testify at trial, Defendant
10 will notify all parties and the Court of page and line designations of the
11 unavailable witness' deposition transcript to offer at trial. Defendant reserves the
12 right to use deposition transcripts to refresh recollection, to impeach, and
13 otherwise to use at trial in accordance with applicable rules, e.g., Fed. R. Civ. P.
14 32, and Fed. R. Evid. 801(d).

15 (e) Objections To Depositions:

16 (1) Plaintiff's Objections: None.

17 (2) Defendant's Objections: None.

18 **VIII.**

19 The following witnesses may be called by the parties at trial:

20 (a) Plaintiff's witnesses

Witness(s)	Witness(s) Address
Julie Clemons	c/o Paul Padda Law ¹
Marcus Brandt	c/o USAO-NV ²

21 ¹ Paul Padda Law, 4560 South Decatur Blvd., Suite 300, Las Vegas, Nevada 89103 (Tele:
22 702.366.1888).

23 ² United States Attorney's Office for the District of Nevada, 501 Las Vegas Blvd. South, Suite
24 1100, Las Vegas, Nevada 89101 (Tele: 702.388.6336).

1	Marvin Clemons	c/o Paul Padda Law
2	PMK USAO	c/o USAO-NV
3	PMK Enterprise Holdings COR/PMK/30(b)(6) ³	c/o Anthony T. Garasi, Esq. Bremer White Brown & O'Meara 1160 N. Town Center Dr., #250 Las Vegas, Nevada 89144 Tele: (702) 258-6665
4	Zachary Allen Lary	
5	Sarah Elizabeth Zimmerman	
6	James Nicholas Nestor	
7	Jenny R. Neuman	
8	Maryellen Brandt	361 Teal Road, Lindenhurst, Illinois 60046 Tele: (847) 356-8574
9	Mykayla Dawn Nelson	
10	Kim E. Montoya	
11	Juan Acosta	4810 S. Nellis Blvd. Las Vegas, Nevada 89121 Tele: (702) 689-4243
12	Losana Ricardo	4724 Lake Stream Ave. Las Vegas, Nevada 89110 Tele: (702) 773-8055
13	Brittanie Dougherty	4804 East Washington Ave. Las Vegas, Nevada 89131 Tele: (702) 773-7921
14	Officer Nakagawa (ID #5476)	c/o Las Vegas Metropolitan Police Department, 400 S. Martin Luther King Blvd. Las Vegas, Nevada 89106 Tele: (702) 828-3111
15	Raeh Williams, Milton Hines and/or COR/PMK/30(b)(6)	c/o Telus International 2251 S. Decatur Blvd. Las Vegas, Nevada 89102
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³ "COR/PMK/30(b)(6)" refers to Custodian of Records, Person Most Knowledgeable and Federal Rule of Civil Procedure 30(b)(6) witnesses.

1		Tele: (702) 238-7900
2	Ana Arriero and/or COR/PMK/30(b)(6)	c/o Volt Workforce Solutions 2401 N. Glassell Street Orange, California 92865 Tele: (714) 921-8800
3	Andrew M. Cash, M.D.	9339 W. Sunset Rd., Suite 100 Las Vegas, Nevada 89148 Tele: (702) 630-3472
4	Santo Steven Bifulco, M.D., CLCP	15438 N. Florida Ave., #140 Tampa, Florida 33613 Tele: (813) 321-3676
5	Stan Smith, Ph.D.	1165 N. Clark Street, #600 Chicago, Illinois 60610 Tele: (312) 943-1016
6	Mario Tarquino, M.D., and/or COR/PMK/30(b)(6)	c/o Quick Care Las Vegas 3111 S. Maryland Pkwy, #100 Las Vegas, Nevada 89109 Tele: (702) 732-7407
7	COR/PMK/30(b)(6)	c/o CVS Pharmacy One CVS Drive Woonsocket, R.I. 02895 Tele: (800) 746-7287
8	Don Nobis, P.T. and/or COR/PMK/30(b)(6)	c/o Don Nobis Physical Therapy 801 S. Rancho Dr., Suite F4 Las Vegas, Nevada 89106 Tele: (702) 735-4844
9	Gobinder S. Chopra, M.D. and/or COR/PMK/30(b)(6)	c/o GS Chopra Ltd. 3201 S. Maryland Pkwy, #314 Las Vegas, Nevada 89109 Tele: (702) 796-8500
10	X. Nick Liu, M.D. Randall E. Yee, M.D. COR/PMK/30(b)(6)	c/o Advanced Orthopedics 8420 West Warm Springs Road, Suite 100 Las Vegas, Nevada 89113 Tele: (702) 740-5327
11	Eric Biesbroeck, M.D. Joel Lin, M.D. COR/PMK/30(b)(6)	c/o Pueblo Medical Imaging 5495 S. Rainbow Blvd., #101 Las Vegas, Nevada 89118
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1		Tele: (702) 228-0031
2	COR/PMK/30(b)(6)	c/o Body Wise, Inc. P.O. Box 531104 Henderson, Nevada 89053 Tele: (702) 446-8006
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4		
5	COR/PMK/30(b)(6)	c/o LABCORP P.O. Box 2240 Burlington, N.C. 27216 Tele: (800) 845-6167
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8	Elizabeth Huck, M.D. COR/PMK/30(b)(6)	c/o Las Vegas Radiology 7241 West Sahara Ave., #120 Las Vegas, Nevada 89117 Tele: (702) 254-5004
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11	COR/PMK/30(b)(6)	c/o Valley View Surgical 100 N. Green Valley Pkwy, #125 Henderson, Nevada 89074 Tele: (702) 616-4954
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13	Robert Chiascione, M.D. Thomas Miller, PA-C COR/PMK/30(b)(6)	c/o Box Canyon Primary Care 2647 Box Canyon Drive Las Vegas, Nevada 89128 Tele: (702) 228-0031
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16	Howard Francois, M.D. Michael Schunk, M.D. John Griffith, M.D. Hubert Chin, M.D. COR/PMK/30(b)(6)	c/o Desert Radiologists 2020 Palomino Lane, #100 Las Vegas, Nevada 89106 Tele: (702) 228-0031
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19	Jaymin Chang, M.D. COR/PMK/30(b)(6)	c/o DBA Anesthesia Associates 129 W. Lake Mead Pkwy, Suite B18 Tele: (702) 558-1522
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22	COR/PMK/30(b)(6)	c/o Next Step Medical 6048 S. Durango Dr., Suite 115 Las Vegas, Nevada 89113 Tele: (702) 489-8165
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25	Paul H. Janda, M.D. COR/PMK/30(b)(6)	c/o Las Vegas Neurology 2010 Goldring Ave., #306 Tele: (702) 432-2233
26		
27	Travis Snyder, M.D. Joseph Kavanaugh, M.D. COR/PMK/30(b)(6)	c/o SimonMed Imaging P.O. Box 207465 Dallas, Texas 75320 Tele: (702) 723-8255
28		
	COR/PMK/30(b)(6)	c/o Louis F. Mortillaro & Associates 501 S. Rancho Drive, Suite F-37

1		Las Vegas, Nevada 89106 Tele: (702) 388-9403
2	Mark Kabins, M.D. COR/PMK/30(b)(6)	c/o Las Vegas Neurosurgery 501 S. Rancho Drive, #I-67 Las Vegas, Nevada 89106 Tele: (702) 243-4700
3	Ryan Dopirak, M.D. COR/PMK/30(b)(6)	1650 S. 41 st Street Manitowoc, Wisconsin 54220 Tele: (920) 320-5241
4	David Kaufman, M.D. Stacey Gruber, M.D. Heather Stanko, M.D. COR/PMK/30(b)(6)	c/o Neurology Consultants 725 S. Webster Avenue, #201 Green Bay, Wisconsin 54301 Tele: (920) 430-7100
5	Mariam El-Baghdadi, M.D. COR/PMK/30(b)(6)	c/o HFM Pain Clinic 2300 Western Avenue Manitowoc, Wisconsin 54220 Tele: (920) 320-3185
6	Michael H. Hoffman, M.D. Michael Hodulik, M.D. COR/PMK/30(b)(6)	c/o Bellin Memorial Hospital P.O. Box 22487 Green Bay, Wisconsin 54305 Tele: (920) 445-7313
7	Matthew Koeberl, M.D. COR/PMK/30(b)(6)	c/o Lakeshore Radiology 2300 Western Avenue Manitowoc, Wisconsin 54220 Tele: (920) 320-3800
8	Robert Monette, M.D. Richard Horak, M.D. COR/PMK/30(b)(6)	c/o Radiology Chartered 1789 Shawano Avenue Green Bay, Wisconsin 54303 Tele: (920) 499-1428
9	Gil Freeman, M.D. COR/PMK/30(b)(6)	c/o Bellin Health Sports Medicine 1630 Commanche Avenue Green Bay, Wisconsin 54313 Tele: (920) 445-7222
10	Scott Anderson, M.D. Samuel Charles, M.D. Elizabeth Teigen, M.D. Jonathan Tueting, M.D. Humberto Rosas, M.D. COR/PMK/30(b)(6)	c/o UW Health Hospitals P.O. Box 2916 Milwaukee, Wisconsin 53201 Tele: (877) 565-0505
11	COR/PMK/30(b)(6)	c/o CD Laboratories, Inc. 810 Gleneagles Ct., #100 Baltimore, Maryland 21286 Tele: (410) 296-1400
12	COR/PMK/30(b)(6)	c/o Express Scripts 8931 Springdale Avenue

1		St. Louis, Missouri 63134 Tele: (800) 332-5455
2	Katherine Travnicek, M.D. COR/PMK/30(b)(6)	c/o Pain Institute of Nevada 7435 W. Azure Drive, #190 Las Vegas, Nevada 89130 Tele: (702) 878-8252
3	COR/PMK/30(b)(6)	c/o Valley View Surgery Center 1330 S. Valley View Blvd. Las Vegas, Nevada 89102 Tele: (702) 675-4600
4	Beraldo Vazquez-Correa, M.D. COR/PMK/30(b)(6)	c/o Primary Care Consultants P.O. Box 778195 Henderson, Nevada 89077 Tele: (702) 492-7208
5	Mitesh Patel, M.D. COR/PMK/30(b)(6)	c/o Steinberg Diagnostic 2950 S. Maryland Pkwy Las Vegas, Nevada 89109 Tele: (702) 732-6000
6	COR/PMK/30(b)(6)	c/o Southern Hills Hospital 9300 West Sunset Road Las Vegas, Nevada 89148 Tele: (702) 880-2100
7	Evelyn Fitzgerald, R.N. Steve Wondel, P.T. Sheryll Collings, O.T. COR/PMK/30(b)(6)	c/o Valley View Home Health 6767 W. Charleston Blvd., #150 Las Vegas, Nevada 89146 Tele: (702) 463-1100
8	Natalie Anderton, PT Gregory Bares, PT Sean Ellis, PT Beua Gronert, PT Sara Elliot, PT COR/PMK/30(b)(6)	c/o Select Physical Therapy 2904 W. Horizon Ridge Pkwy, Suite 121 Henderson, Nevada 89052 Tele: (702) 897-7331
9	COR/PMK/30(b)(6)	c/o Holy Family Memorial Medical Center P.O. Box 1450 Manitowac, Wisconsin 54221 Tele: (920) 320-2278
10	COR/PMK/30(b)(6)	c/o Valley Hospital 620 Shadow Lane Las Vegas, Nevada 89106 Tele: (702) 894-5738
11	Michael Elliott, Ph.D. COR/PMK/30(b)(6)	c/o Michael Elliott, Ph.D. 1661 West Horizon Ridge Pkwy, Suite 280 Henderson, Nevada 89012 Tele: (702) 307-0133
12	COR/PMK/30(b)(6)	c/o West Valley Surgery Center

	1330 S. Valley View Blvd., Las Vegas, Nevada 89102 Tele: (702) 675-4600
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3	Galen Kam, M.D. COR/PMK/30(b)(6)
4	c/o Optumcare Orthopedics 4750 W. Oakey Blvd., #401 Las Vegas, Nevada 89102 Tele: (702) 724-8877
5	
6	COR/PMK/30(b)(6)
7	c/o University Medical Center 1800 West Charleston Blvd. Las Vegas, Nevada 89102 Tele: (702) 383-2000
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9	COR/PMK/30(b)(6)
10	c/o Advanced Urgent Care 9975 South Eastern Ave., #110 Las Vegas, Nevada 89183 Tele: (702) 361-2273
11	
12	Galen Kam, M.D. Joshua Owen, M.D. COR/PMK/30(b)(6)
13	c/o Mountainview Hospital 3100 North Tenaya Way Las Vegas, Nevada 89128 Tele: (702) 962-8400
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15	COR/PMK/30(b)(6)
16	c/o Fremont Emergency Services P.O. Box 638972 Cincinnati, Ohio 45263-8972 Tele: (888) 952-6772
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18	COR/PMK/30(b)(6)
19	c/o Radiology Specialists P.O. Box 50709 Henderson, Nevada 89016 Tele: (877) 406-2916
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22	Aaron Bubolz, M.D. COR/PMK/30(b)(6)
23	c/o Aurora Baycare Neurology 2845 Greenbrier Road Green Bay, Wisconsin 54311 Tele: (920) 288-8000
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(b) Defendant's witnesses:

Marcus Brandt	c/o USAO-NV
Julie Clemons	c/o Paul Padda Law
Marvin Clemons	c/o Paul Padda Law
Juan Acosta	4810 S. Nellis Blvd. Las Vegas, Nevada 89121 Tele: (702) 689-4243
Losana Ricardo	4724 Lake Stream Ave. Las Vegas, Nevada 89110

1	Brittanie Dougherty	Tele: (702) 773-8055 4804 East Washington Ave. Las Vegas, Nevada 89131 Tele: (702) 773-7921
2	Sarah Zimmerman	
3	Zachary Lary	
4	James Nestor	
5	Jenny Neuman	
6	Kim Montoya	
7	LVMPD Officer Nakagawa (#5476)	c/o Las Vegas Metropolitan Police Department, 400 S. Martin Luther King Blvd. Las Vegas, Nevada 89106 Tele: (702) 828-3111
8	Richard A. Rubenstein, M.D. (expert)	Plaza One Office Building 3220 Blume Drive, Suite 151 Richmond, CA 94806 Ph. 800-426-9558
9	Benjamin Bjerke, M.D. (expert)	c/o Benjamin Bjerke, MD Ltd. 12499 University Ave, Suite 210 Clive, IA 50325 Ph. 917-837-0302
10	Kevin J. Murphy, M.D. (expert)	c/o Sports Medicine Oregon 7300 SW Childs Rd., Suite B Tigard, OR 97224 Ph. 503-692-8700
11	Mark Remas, MA, CRC, ABVE (expert)	c/o The Remas Group 7710 Balboa Ave., Suite 218-H San Diego, CA 92111 Ph. (858) 560-6733
12	Mary A. Jesvko, MS, EdD, CCM, CDMS, CLCP (expert)	c/o Mary Jesko and Associates 11622 El Camino Real, Suite 100 San Diego, CA 92130 Ph. (858) 663-7509
13	Eugenia A. Larmore, PhD, MBA (expert)	c/o EKAY Economic Consultants, Inc. 550 West Plumb Lane, B459 Reno, NV 89509 Ph. (775) 232-7203
14	Mario Tarquino, M.D.	c/o Quick Care Las Vegas 3111 S. Maryland Pkwy, #100 Las Vegas, Nevada 89109 Tele: (702) 732-7407
15	Travis Snyder, M.D. Joseph Kavanaugh, M.D.	c/o SimonMed Imaging P.O. Box 207465 Dallas, Texas 75320 Tele: (702) 723-8255
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1	Howard Francois, M.D.	c/o Desert Radiologists
2	Michael Schunk, M.D.	2020 Palomino Lane, #100
3	John Griffith, M.D.	Las Vegas, Nevada 89106
4	Hubert Chin, M.D.	Tele: (702) 228-0031
5	Robert Chiascione, M.D.	c/o Box Canyon Primary Care
	Thomas Miller, PA-C	2647 Box Canyon Drive
		Las Vegas, Nevada 89128
		Tele: (702) 228-0031

IX.

The attorneys have conferred and jointly offer these three trial dates:

October 24, 2022

November 7, 2022

November 14, 2022

It is expressly understood by the undersigned that the Court will set the trial of this matter on one of the agreed-upon dates if possible, if not, the trial will be set at the convenience of the Court's calendar.

X.

It is estimated that the trial will take a total of 14-21 days.

APPROVED AS TO FORM AND CONTENT:

/s/ *Paul S. Padda*

Counsel for Plaintiff

/s/ *Brianna Smith*

Counsel for Defendant

XI.

ACTION BY THE COURT

This case is set for court on the fixed/stacked calendar on

Calendar call will be held on _____.

Motions *in limine* to be filed by _____.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their counsel hereon, and the other is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

UNITED STATES DISTRICT JUDGE

DATED: